

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haeefe, <i>Liaison Counsel</i> MOTLEY RICE LLC	Stephen A. Cozen, <i>Co-Chair</i> Sean P. Carter, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

March 29, 2023

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees ("PECs") write pursuant to the Court's order of March 13, 2023 (ECF No. 8923, as extended by ECF No. 8945), to inform the Court as to the proposed scope of Plaintiffs' *Daubert* motions and to accept the Court's invitation to propose reasonable page limits for the *Daubert* briefing. The PECs have conferred with counsel for *Ashton*, who filed a separate proposal for the Court's consideration (*see* ECF Nos. 8871, 8880), and they join in this proposal.

Plaintiffs intend to file a single omnibus *Daubert* motion seeking to exclude or limit opinions of Saudi Arabia's experts. Plaintiffs' brief will focus on challenging one of Saudi Arabia's three experts, Marc Sageman, who purports to respond to five of Plaintiffs' experts in his 729-page report served on behalf of Saudi Arabia.¹ Plaintiffs will also present certain issue-based challenges which they anticipate will concern Saudi Arabia's other two experts, as well.

The PECs have conferred with counsel for Saudi Arabia regarding proposed page limits for the parties' *Daubert* motions, and both sides agree to the page-length proposal included in Saudi Arabia's March 22, 2023 submission (ECF No. 8946)—namely, 70 pages for opening briefs, 70 pages for oppositions, and 35 pages for replies.

Plaintiffs expressly reserve their right to challenge the opinions offered by any of Saudi Arabia's experts on any grounds at other stages in the litigation.

Respectfully submitted,

MOTLEY RICE LLC

COZEN O'CONNOR

By: /s/ Robert T. Haeefe
ROBERT T. HAEFELE

By: /s/ Sean P. Carter
SEAN P. CARTER

¹ Marc Sageman also served another 275-page report on behalf of another defendant in this litigation.

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cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF